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APPLICANT(S):	Kenneth W. Dobie, et al.
APPLICATION NO.:	10/671,074
FILING DATE:	HEREWITH
TITLE:	MODULATION OF FORKHEAD BOX O1A EXPRESSION
EXAMINER:	Kimberly Chong
GROUP ART UNIT:	1635
DOCKET NUMBER.:	HTS-0008US.P1

MAR 16 2006

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**Under 37 C.F.R. §§ 1.56 and 1.97-98**

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

A CD-ROM was purportedly contributed to the public collection of the Katherine R. Everett Law Library of the University of North Carolina on March 14, 2002. The CD-ROM is purported to contain a document entitled "On the Preparation and Utilization of Isolated and Purified Oligonucleotides." The document has been included on the form PTO/SB/08A and a paper copy is enclosed herewith. The CD-ROM is also purported to contain a listing of "all sequences of 8 to 12 nucleotides that have between 40 and 60 percent G+C content and are free of homopolymeric runs of 4 or more bases and directly or inversely repeated regions of 4 or more bases" a paper copy of which is too voluminous to submit herewith. Applicant's submission of the foregoing information shall not be construed as an admission that the purported CD-ROM contains that which it is purported to contain nor shall it be construed as an admission that the purported CD-ROM is a publication.

This Information Disclosure Statement is being filed:

☐ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;

☐ before the mailing of a first official action after filing of a request for continued examination (RCE) under 37 C.F.R. § 1.114;

☒ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before that mailing date of the first office action to occur of either: (1) a final action under 37 C.F.R. § 1.113; or (2) an action that otherwise closes prosecution in the application, and:

☒ attached hereto is the fee set forth under 37 C.F.R. § 1.17(p) for submission of this Information Disclosure Statement under 37 C.F.R. § 1.97(c); OR

☐ Applicant certifies pursuant to 37 C.F.R. § 1.97(e) that:

☐ each item of the information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement;

OR

☐ no item of information contained in this Information Disclosure Statement was cited in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Statement.

☐ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 C.F.R. § 1.113; (2) a notice of allowance under 37 C.F.R. § 1.311; or (3) an action that otherwise closes prosecution in the application, and:

☐ Applicant certifies pursuant to 37 C.F.R. § 1.97(e) that:

☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement;

OR

☐ no item of information contained in this Information Disclosure Statement was cited in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Statement. AND

☐ attached hereto is the fee set forth under 37 C.F.R. § 1.17(p) for submission of this Information Disclosure Statement under 37 C.F.R. § 1.97(c); OR

☐ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 C.F.R. § 1.97(i), although the information may not be considered by the USPTO.

☒ Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.

☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. \_\_\_\_\_, filed on \_\_\_\_\_, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 C.F.R. § 1.98(d).

☒ This application was filed after June 30, 2003. Therefore, pursuant to the waiver of the requirements under 37 C.F.R. § 1.98(a)(2)(i), copies of each U.S. Patent and each U.S. Patent Application Publication are not required to be submitted. Copies of any foreign patent documents and non-patent literature cited herein are enclosed.

☐ Each item of information contained in this Information Disclosure Statement was cited in the communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement 37 C.F.R. § 1.704(d).

☐ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement. However, if a fee is due, the Commissioner is hereby authorized to charge Deposit Account No 500252 referencing case number DIBIS-0062US.

Consideration of the listed references and favorable action are solicited.

Dated: 3/16/2006

Respectfully submitted,

By: 

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Application Number</b>	10/671,074
<b>Filing Date</b>	09/25/2003
<b>First Named Inventor</b>	Kenneth W. Dobie
<b>Art Unit</b>	1635
<b>Examiner Name</b>	Kimberly Chong
<b>Attorney Docket Number</b>	HTS-0008US.P1

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